A BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION, VI OF 1906.

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906; His Highness the Maharaja is pleased to enact as follows :—

Amendment of S. 15.

1. In clause (*c*) of sub-section (1) of Section 15 of the Regulation, after the words "who is a" the following words shall be inserted :—

"Councillor at the date of election or a".

Amendment of S. 26.

2. (1) In paragraph (*a*) of sub-section (14) of Section 26 of the Regulation, for the words "The Executive Engineer, Educational Inspector and the Civil Surgeon in a district", the words "The Executive Engineer, Educational Inspector and the Health Officer in a district or the District Medical Officer" shall be substituted.

(2) In paragraph (*b*) of the same sub-section for the words "Civil Surgeon", the words "the District Medical Officer" shall be substituted.

(3) In the explanation at the end of Section 26, for the words "Civil Surgeon" the words "the District Medical Officer" shall be substituted.

Amendment of S. 31.

3. In Section 31, for the word "one-third" after the words "shall not exceed" the word "one-half" shall be substituted.

Amendment of S. 48.

4. (1) After sub-clause (ii) of Clause (*b*) under sub-section (1 of Section 48, the following new sub-clause shall be inserted :—

"(iiA) as a hotel, bakery, sweetmeat shop or otherwise for the preparation, manufacture or sale of articles intended for human food or drink."

(2) In sub-clause (iii) of Clause (*b*) under the same sub-section the following shall be inserted :—

"or for any other purpose for which the taking out of a license is or may be prescribed".

(3) Clause (*c*) under the same sub-section shall be cancelled.

(4) In sub-section (1) of the same section the following shall be inserted between clauses (*o*) and (*p*) :—

"(oo) regulating the conditions for the disposal of houses constructed for the use of the poor."

(5) In clause (*p*) of the same sub-section, between the words "foundations" and "roofs" the word "floors" shall be inserted.

(6) At the end of the same clause after the semicolon the following words shall be added :—

"and prescribing a time limit for the construction of new buildings or the alteration of the old".

(7) After clause (*p*) the following new clause shall be added :—

"(pp) regulating the construction of grain shops and grain stores in accordance with the provisions of Section 95A".

(8) In clause (*r*) of the same sub-section the words "and for rendering the buildings rat-proof" shall be added after the words "for securing a free circulation of air".

(9) After clause (*v*) of the same sub-section the following new clause shall be added :—

"(vv) regulating traffic in streets".

Addition of a proviso to S. 51.

5. In Section 51 of the Regulation the following proviso shall be added after proviso (*b*) :—

"(*c*) in the case of an alienated village, the rights, if any, of the holder of such village, to the enjoyment of any tax or other item of revenue shall be regulated from time to time by the orders of the Government".

Addition of a proviso to S. 52.

6. In Section 52 after the first paragraph the following additional proviso shall be inserted :—

"Provided that any funds granted to the Municipal Council by the Government for economic work shall be applied exclusively for such work and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf."

Amendment of S. 53 A.

7. At the end of Section 53 A, after the word "Regulation," the words "or for the purpose mentioned in clause (*bb*) of Section 56" shall be added.

Addition of a new clause to S. 56.

8. The following new clause shall be added after clause (*b*) under Section 56 of the Regulation :—

"(bb) Constructing for the habitation of the poor suitable sanitary houses."

Addition of a new Section 91 A.

9. After Section 91 and under the heading "(2) powers to regulate buildings, etc.," the following new section shall be inserted as Section 91 A, namely:—

Resumption of site not built upon, within the prescribed time.

"91 A. (1) Where the term prescribed or extended, as the case may be, under any bye-law framed by a Municipal Council in this behalf for the construction of a building on a vacant land has elapsed, and no substantial progress has been made in the construction of the building, according to the approved plan by the grantee, purchaser or transferee of the site it shall be competent for the Municipal Council to resume the site with any building existing thereon after giving the owner of the land, or if the owner cannot be found or ascertained, the person in possession, such notice as the Municipal Council may fix in this behalf, and to dispose of the same by public auction or otherwise for building purposes, after publication of a notice to that effect in the official Gazette not less than three months prior to the date fixed for the sale. On such resumption the land together with the building, if any, thereon, shall vest in the Municipal Council free of all encumbrances (excepting those if any, in favour of Government) created by the owner or any person claiming from him, subject, however, to the proviso that such owner or person claiming from him, shall be entitled to payment from the Municipal Funds of the amount realised by the Municipal Council from the disposal, less any charges incurred for such disposal and resumption:

Provided that where the vacant land had been alienated by the Municipal Council prior to 1st January 1921, the Municipal Council shall not take action under this section unless three years shall have elapsed from the date fixed for the completion of the building.

Provided also that where a vacant land is not in possession of any one and the Municipal Council is satisfied after enquiry that the owner cannot be found, the notice to the owner or the person in possession may be dispensed with.

By Municipal Councils specially authorised.

(2) The powers conferred under sub-section (1) shall be, exercised only by such Municipal Councils as may be specially authorised by Government in this behalf.

Sale of vacant land on which taxes have not been paid for six years.

(3) Where no taxes have been paid on a vacant land for a period of six years, and the Municipal Council is satisfied after enquiry that the owner cannot be found, it shall be competent to the Municipal Council to sell the land by public auction or otherwise for building purposes after publication of a notice to that effect in the official Gazette not less than three months prior to the date fixed for the sale. On such sale the land together with the building, if any, thereon shall vest in the purchaser or transferee free of all encumbrances (excepting those, if any, in favour of Government or the Municipal Council) created by the owner subject, however, to the proviso that such owner or person claiming from him shall be entitled to payment from the Municipal Funds of the amount realised by the Municipal Council from the disposal less the taxes and other charges incurred for such disposal".

Addition of a new Section, 95 A.

10. After Section 95 the following new section shall be added :—

Rat-proof building for grain shop or grain store.

"95A. The Municipal Council may require that any building, used as a grain shop or grain store or proposed to be constructed for such purpose, shall be reconstructed, altered or erected, as the case may be, so as to prevent the infestation of rats in or about such building

and may for this purpose prescribe the plan and design to be adopted and the nature and quality of the materials to be used for such building.

Provided that the provisions of this section shall be enforceable only in such areas as may be notified by the Government in the official Gazette from time to time."

Addition of a new Section 137 A. Factories in crowded localities.

11. After Section 137 the following new section shall be inserted as Section 137-A :—

"137-A. (1) No person shall newly establish in any premises any factory, workshop or work-place in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the President.

(2) The President may refuse to give such permission, if he be of opinion that the establishment of such factory, workshop or work-place in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner, contravenes the terms of any bye-laws framed in this behalf."

Addition of a new Section 138 A. Use of siren or whistle for summoning or dismissing workmen.

12. After Section 138 the following new section shall be inserted :—

"138-A. (1) No person shall without a license granted by the President use or employ in any factory or any other place, any siren, whistle or trumpet operated by steam, mechanical power or electricity for the purpose of summoning or dismissing workmen or persons employed.

Whoever uses or employes any such siren, whistle or trumpet as aforesaid without a license or in contravention of any of the conditions of such license shall be punished with fine which may extend to fifty rupees."

Addition of a new Section 165 A. Power to compound offences.

13. After Section 165 of the Regulation the following new section shall be added as Section 165-A :—

"165 A. (1) The Government may empower any Municipal Council, or its President, Vice-President or Chief Officer to accept from any person, against whom, a reasonable suspicion exists that he has committed an offence against this Regulation or any rule or bye-law thereunder, a sum of money by way of composition for such offence.

Provided that no offence which falls under any provisions of the Indian Penal Code shall be compounded otherwise than in accordance with the provisions of Section 345 of the Code of Criminal Procedure.

(2) On payment of such sum of money such person, if in custody shall be discharged and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

(4) The power under sub-section (1) to compound offences may be given whether generally under this Regulation and the rules and bye-laws thereunder, or particularly in regard only to individual offences of a specified class and may at any time be withdrawn by the Government.

(5) Any sum of money accepted as composition under sub-section (1) shall not exceed the amount of fine fixed for the offence in the Regulation or in any rule or bye-law thereunder or rupees fifty, whichever is less.

(6) The Government may make rules to regulate the proceedings of persons empowered to compound offences under this section.

Amendment of Section 180-A.

14. In Section 180-A of the Regulation, the words "and the Sringeri Municipal Council" shall be added after the words "City Municipal Council."

STATEMENT OF OBJECTS AND REASONS.

The present Regulation having been found from experience to be defective, a number of suggestions have been received for amending the Regulation. The Bill has accordingly been prepared. The notes on clauses attached to this explain the scope and object of these amendments.

NOTES ON CLAUSES.

Clause 1.—This is intended to disqualify persons who are already Municipal Councillors from standing for election to the Council without resigning their seats on the Council.

Clause 2.—This makes only a change in the nomenclature so as to be in conformity with the current designation of the District Sanitary officers.

Clause 3.—Under the provisions of Section 31 the number of persons not being Councillors who can be appointed on any Committee should not exceed one-third the number on such Committee. This proportion is proposed to be increased to one half so as to provide for a larger association in Municipal Administration (especially in connection with economic work) of earnest and enthusiastic workers outside the Municipal Council.

Clause 4.—*Sub-clauses* (1), (2) *and* (3).—These sub-clauses are intended to provide for greater control over hotel-keepers, bakers, etc., in the interests of public health by providing for the framing of bye-laws to regulate the grant of licenses for the establishment of hotels, etc. Provision is also made generally for the regulation of the grant of licenses by the framing of bye-laws.

Sub-clause (4) *of clause* 4 *and clauses* 7 *and* 8.—Provision is made in these sub-clauses for enabling Municipal Councils to make proper arrangements for housing the poor.

Sub-clauses (5), (7) *and* (8) *of clause* 4 *and clause* 10.—Provision is made to enable Municipal Councils to frame bye-laws for insisting on the construction of rat-proof houses and shops as a safe-guard against plague infection in affected areas.

Sub-clause (9) *of clause* 4.—This is intended to enable Municipal Councils to frame bye-laws for prohibiting double riding on bicycles and such other acts as are prejudicial to public safety.

Clause 5.—This clause is intended to regulate the rights of holders of alienated villages over taxes or other items of revenue accruing within the respective areas which may be constituted into Municipalities.

Clause 6.—This is intended to ensure the expenditure of the sum allotted for economic work in Municipal areas exclusively for that purpose.

Clause 9.—It is reported that there are many building sites in the cities of Bangalore and Mysore and in other Municipal towns which have been allowed by the owners to remain vacant for a number of years. Some of these seem to have been purchased more for speculation than for purposes of building. It is necessary to put down this evil of leaving vacant sites in an uncared for and insanitary condition in the midst of well laid out extensions. It is now proposed to provide for resumption of the vacant land, if no building is constructed within the prescribed or extended time, as the case may be, sufficient notice being given of the same to the owner or occupier.

Clause 11.—The new Section 137-A is intended to regulate the establishment of flour and oil mills and factories worked by electric or other mechanical power by the side of dwelling houses and crowded localities, especially in proximity to hosptials, etc., so as to put a stop to the considerable nuisance that factories are causing to the neighbourhood.

Clause 12.—Frequent complaints have been made by the residents of Bangalore that the sirens used by the mills disturb many households in the early morning. Provision is made in the new Section 138-A for controlling the use or employment of sirens.

Clause 13.—It is considered necessary to empower Municipal Councils to compound offences against the Municipal Regulation, and the rules and bye-laws framed thereunder, in view especially of the trivial nature of many of the offences which cause unnecessary trouble to the Municipality and undesirable annoyance to innocent and perhaps ignorant offenders by the judicial proceedings taken in such cases at present.